

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

COMMENTS

Re: FCC Proposed Rulemaking 99-325, Report on Broadcast Localism and Notice of Proposed Rulemaking released January 24, 2008

Now comes Randal J. Miller, president of Miller Communications, Inc., licensee of WTIM-FM Taylorville, IL, and WMKR (FM) Pana, IL, presenting comments to the Commission regarding the January 24, 2008 "Report on Broadcast Localism."

In a report and order released January 24, 2008, the Federal Communications Commission (the "Commission") took measures to "help ensure that broadcast stations offer programming responsive to the needs and interests of the communities that they are licensed to serve."

The Report on Broadcast Localism and Notice of Proposed Rulemaking (the "Report") adopted sets forth what we believe are troubling proposals to increase local programming content and diversity in communities across America at the expense of removing many of the unnecessary, and onerous, regulatory requirements on broadcasters that have been swept away in the past.

I would like to comment on each of the conclusions reached in the report.

a.. The FCC report is proposing that Licensees should establish permanent advisory boards (including representatives of underserved community segments) in each station community of license with which to consult periodically on community needs and issues.

We would respond by saying that as a licensee, we take our responsibility to serve the communities we're licensed to, very seriously. I,

as the president of this company, am a member of no less than a dozen different LOCAL boards or committees that I personally am involved in, as owner of the local radio stations. In that capacity, not only do I volunteer for numerous positions in our community, but I also get to communicate with community leaders on an almost-daily basis. Many of my other broadcast brethren, particularly in small markets, share my passion to "give back" to the community that supports us. Making it an FCC edict that we MUST appoint an advisory board to tell us what we're doing right or wrong, is in direct conflict with allowing the marketplace to determine our success or failure as a business in the communities we're licensed to serve.

Plus, such a requirement will obviously have to be overseen by Commission personnel, that are overburdened already. Who's going to police whether or not radio stations have established such boards, whether the boards are meeting or not, and whether or not the licensee is paying attention to what the boards have directed???

b. The FCC report proposes Commission adoption of increased license renewal application requirements and processing guidelines that will require documentation to prove that all broadcasters provide some locally-oriented programming and adequately serve the local community.

We have long-followed the existing Commission rules regarding writing a detailed issues/programs list for each station, and placing it in our Public File as directed by the Commission. This requires an extensive amount of man-hours and paperwork already, and requiring further man-hours and paperwork to prove to the Commission that we're doing what we're supposed to, will take manpower and financial resources away from serving the communities we're licensed to serve. The public will be served LESS as a result.

c. The FCC report proposes that all broadcast stations must maintain fully staffed studios during all operation at all locations. Of everything the Commission is proposing, this one is the one I have the most problem with. Myself, and every staff member, have been and are at our stations during severe weather, no matter day or night. We also have all of our NOAA weather channels hard-wired into our on-air channels to interrupt programming the instant a severe weather watch or warning is issued for any counties in our listening area.

A requirement that we as the licensee must maintain fully staffed studios during all operation at all locations, will SEVERELY CURTAIL the amount of programming our listeners receive, because I cannot afford to staff my stations 24/7. We use current technology to insure that our listeners receive instant weather bulletins, and as mentioned, whenever there is severe weather, a staff member is ALWAYS in the building giving the latest weather information and local information from Emergency Services personnel. We will CUT the hours we serve our listeners, if 24/7 staffing is mandated.

d. The FCC report proposes that all broadcast studios must be located within the city grade contour of the station. This is doing a DIS-service to broadcasters who have spent thousands of dollars establishing operations to serve our listeners, based on the rules we were given at the time we built these facilities. To require an expense to establish a main studio inside the city of license, will TAKE AWAY from the money we have to spend on SERVING OUR LISTENERS, which is what we thought the Commission wanted us to do. Once again, our service will suffer as a result.

e. The FCC report requires a minimum amount of locally produced programming and a maximum amount of "network" programming on stations. I have previously addressed the issue of "who's going to police all this regulation" at the Commission. The Commission's resources are already stretched, and our stations document its locally produced programming in its extensive issues/programs lists we put in our FCC Public File each quarter. Such a requirement also takes the marketplace aspect of operating our stations, and turns it into the government telling us how much content should be local and how much should be network. Our listeners tell us what they like because they decide to tune in or not. It doesn't take an FCC rule to determine what's best for our community.

f. The FCC report proposes to increase public involvement in the processing of license renewal applications. We believe they've had the opportunity to do that for years, with the announcements we air talking about the fact our licenses are going thru the license renewal process. The FCC has also made it easy for people to file complaints against radio or TV stations via the Internet and toll-free telephone number. Providing further vehicles for the public to be involved in the license renewal process, are not needed. Plus, again any such implementation of more paperwork by the public or licensee, will strain the Commission's already-stretched resources.

g. The FCC report provides for more LPFM stations by limiting the protection they must give full power stations. All of my radio stations are in station classes that we MUST serve the community we're licensed to, and its immediate area. We don't have the power or coverage that higher power stations have, so we super-serve the communities in our coverage area each and every day. Most small market broadcasters do the same thing. Expanding LPFM stations, by limiting the protection they must give our FM Class A stations, will limit the service we're providing long-time listeners we presently serve. Further LPFM's will potentially interfere with our Class A signals in fringe area, thus depriving our long-time listeners from the local radio service they've come to expect for local news, local high school sports play-by-play, and local weather bulletins.

In conclusion, I want the Commission to know that I, and most all of my other broadcast brethren in small market radio across the country, take our position as temporary trustee of the public's airwaves, VERY SERIOUSLY, and it shows in the service we provide our communities and our listeners each and every day. We work hard to not only provide that service, but to DOCUMENT that service in our FCC Public Files. We hope that these proposed rules will NOT be enacted. If they are, they will penalize small market broadcasters and in the end the losers will be THE LISTENING PUBLIC.

Sincerely,  
Randal J. Miller, President  
Miller Communications, Inc.